UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:23-CV-00092-FDW-SCR

AMEAL GRAHAM,)
Plaintiff,)
v.	ORDER
CAROLINA ENVIRONMENTAL RESPONSE TEAM, INC.,)
Defendant.)))

THIS MATTER is before the Court on Defendant Carolina Environmental Response Team, Inc.'s Consent Motion to Consolidate <u>Baker v. Carolina Environmental Response Team</u>, <u>Inc.</u>, Case No. 3:23-cv-00093-FDK-DCK, and <u>Nesbitt v. Carolina Environmental Response Team</u>, Inc., Case No. 3:23-cv-00095-FDK-DCK, with this case. (Doc. No. 14).

Rule 42 of the Federal Rules of Civil Procedure allows a court to consolidate cases that involve common questions of law or fact. Courts have broad discretion in determining whether or not to consolidate. A/S Ludwig Mowinckles Rederi v. Tidewater Const. Co., 559 F.2d 928, 933 (4th Cir. 1977). Consolidation does not merge the suits into a single cause, or change the rights of the parties. Intown Properties Mgmt. Inc. v. Wheaton Van Lines, 271 F.3d 164, 168 (4th Cir. 2001). In determining whether to consolidate a case, the Court considers several factors including: (1) the risk of prejudice and confusion, (2) the burden on the parties and witnesses, and (3) the economy of judicial resources. See Arnold v. Eastern Airlines, 681 F.2d 186, 193 (4th Cir. 1982).

These cases against Defendant Carolina Environmental Response Team concern the same facts and time period, involving common questions of law and fact. The witnesses in each matter are identical and are anticipated to provide relevant testimony for each individual Plaintiff's claim

of race discrimination in violation of Title VII of the Civil Rights Act of 1964. Accordingly, the

Court finds these three cases should be consolidated.

In light of consolidation, the parties are granted an extension for filing of Pretrial

Submissions. Pretrial Submissions are now due Friday, April 19, 2024. As part of Pretrial

Submissions, the Court asks the parties include an updated approximation of the anticipated time

needed for a trial in these matters. Following a review of the parties' proposed witness list, exhibits,

testimony, and estimated trial time, the Court will consider whether imposing time limits through

use of a chess clock is appropriate here.

IT IS THEREFORE ORDERED that Defendant's Consent Motion for Consolidation,

(Doc. No. 14), is **GRANTED**.

IT IS FURTHER ORDERED that the parties' Pretrial Submissions are due Friday,

April 19, 2024.

IT IS SO ORDERED.

Signed: April 15, 2024

Frank D. Whitney

United States District Judge